

APPENDIX.

COMMITTEE REPORT.

The following committee report was offered:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 7, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to authorize the Governor of the State of Texas, in conjunction with the President of the United States, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas, and to make an appropriation therefor, and declare an emergency,"

And find the same correctly engrossed.
FAULK, Acting Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas, Friday, April 10, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Douglass.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Harper.	Wilson.
Henderson.	

Absent.

Decker.	Harbison.
Faubion.	Perkins.
Hanger.	Stafford.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Beaty, the same was dispensed with.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay per diem of members, and per diem pay of officers and employes, of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor."

Senate bill No. 3, A bill to be entitled "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor."

House Concurrent Resolution No. 2, Inviting the survivors of the battle of San Jacinto to visit the capitol on Tuesday, April 21, 1903, the anniversary of that great event.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

COMMITTEE REPORT.

The following committee report was offered:

FINANCE.

Committee Room,
Austin, Texas, April 2, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing the first day of January, 1904, by issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds; the manner of sale or exchange of the new bonds, and making an appropriation for the expenses incurred under the provisions of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

"Amend by striking out '4 per cent.' where it appears in the bill and inserting in lieu thereof '3 per cent.'"

WILSON, Chairman.

EXCUSED.

On motion of Senator Hale, Senator Hicks was excused from attendance upon the Senate for Monday and Wednesday on account of important business.

On motion of Senator Hicks, Senator Perkins was excused for non-attendance upon the Senate on Thursday, April 2d, and until next Monday, on account of important business.

RESOLUTION.

(Sine die adjournment.)

Senator Davidson of DeWitt offered the following resolution:

Senate Concurrent Resolution No. 2:

Resolved by the Senate, the House of Representatives concurring, That the First Called Session of the Twenty-eighth Legislature, which convened in the city of Austin by proclamation of the Governor on the 2nd day of April, A. D. 1903, shall adjourn at noon, April 22, 1903, sine die.

The resolution was laid on the table subject to call.

BILL ON FIRST READING.

By Senator Henderson:

Senate bill No. 6, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion and the various public institutions of the State of Texas, in the city of Austin and adjacent thereto; to create a board with authority to purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along the streets and alleys and public highways in the city of Austin, and public roads adjacent thereto, and to secure from private owners, by purchase, or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and to place such wires across private lands; to provide for the operation of such plant; to make an appropriation therefor, and to declare an emergency."

Read first time, and referred to Committee on Finance.

RESIGNATION OF COMMITTEE CLERK.

Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

MY DEAR SIR: I herewith tender my resignation as committee clerk. Thank-

ing you for the courtesy and consideration shown me, I am,

Very respectfully,

GEORGIA STURGESS.

On motion of Senator Wilson, the resignation was accepted.

SENATE CONCURRENT RESOLUTION NO. 1.

Senator Henderson called up

Senate Concurrent Resolution No. 1:

As a basis for consideration by the two houses, the following proceedings had by the House of Representatives on February 15, 1900 (see House Journal, pages 181-82):

Substitute Senate bill No. 2, A bill to be entitled "An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and said State; to set apart and appropriate to said school fund, in part payment of said account, the residue of the public domain of said State, to which said fund is entitled under Section 2, Article 7, of the Constitution, adopted April 17, 1876; to appropriate the sum of twenty-nine thousand, three hundred and forty and twenty-seven one-hundredths dollars to the permanent school fund from the general revenue not otherwise appropriated in full payment of the balance due to said fund by the State of Texas, under the Constitution of 1876; to provide for the survey, purchase and lease of said land, and the issuance of patents in certain cases; and providing for suit by the State in Travis county against any person claiming any of the lands belonging to the school fund or any other fund, and to repeal Section (2) two, of Chapter one hundred and seventy-three, of the Acts of the Regular Session of the Twenty-sixth Legislature, approved June 5, 1899, being 'An Act to authorize the issuance of patents to lands theretofore applied for and purchased as public domain, and to provide for the disposition of the proceeds.'"

This bill became the law, Messrs. Wright of Tom Green and Henderson of Lamar dissenting as follows:

Whereas, We find as a fact that the permanent public school fund was entitled to 29,767,790.78 acres of land by reason of the grant in the Constitution of "one-half of the public domain of the State," of which amount it has received 23,294,255.51 acres, and to which can be applied 4,444,195 of public domain, leaving a deficit to be met of 2,029,340.27 acres; and

Whereas, It would take the sum of \$2,029,340.27 to compensate the permanent school fund for said land, and this Legislature cannot make an appropria-

tion of so large an amount, and has no power to make appropriations for more than two years, so as to provide for a payment of said debt by yearly payments, and has no authority under the Constitution to issue bonds for the payment of the same; therefore, be it

Resolved, That the consideration of Senate bill No. 2, defined "An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and the State," etc., be indefinitely postponed, to the end that the Twenty-seventh Legislature may submit to the people a constitutional amendment whereby a means may be provided to pay said debt, or whereby the people may say whether or not they will compensate said school fund for said deficit.

[Signed WRIGHT,
 HENDERSON of Lamar.]

Whereas, Under the supervision of the State Investigation Committee a thorough and exhaustive investigation was entered into relative to the true status of the State's account and standing with the permanent university and common free school funds, said trial balances having been obtained at a cost of four hundred dollars (the same being paid by two citizens), said accounting developing the fact that the State of Texas is largely indebted to said funds as is held in the contention of Messrs. Wright and Henderson; therefore, be it

Resolved by the Senate, the House concurring, That a joint committee composed of two State Senators and three Representatives of the House be constituted, the same to be selected by the respective presiding officers of the two houses, whose duty it shall be to take under consideration all matters that in anywise pertain to said funds, their origin, investment, and if diverted and lost, to what extent the State is liable for the same, making a report to this Legislature at an early day of such findings, together with such suggestions and recommendations as in their opinion are necessary to a solution and settlement of the question; and to the end that a speedy conclusion of this matter may be had, said committee shall at once, after their appointment, meet and organize by selecting one of their number chairman, who shall have the power to employ such skilled aids as in the opinion of said committee are essential to carry out the provisions of this resolution. Said chairman shall have power through the chairman of the Committee on Contingent Expenses of the Senate to pay all necessary cost and expense incurred by reason of this resolution. Said commit-

tee shall have the privilege of sitting during the sessions of their respective houses.

The resolution was read, and, on motion of Senator Henderson, was adopted.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 1, "An Act making an appropriation to pay per diem pay of members and per diem pay of officers and employes of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor."

Senate bill No. 3, "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 3, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing the first day of January, 1904, by issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of said other bonds; the manner of sale or exchange of the new bonds, and making an appropriation for expenses incurred under the provisions of this act."

.Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair had read and referred, after its caption had been read, the following bill:

House bill No. 3, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing the first day of January, 1904, by issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of said other bonds; the manner of sale or exchange of the new bonds, and making an appropriation for expenses incurred under the provisions of this act."

Referred to Committee on Finance.

SENATE BILL NO. 2.

Senator Douglass moved that the Senate rule governing committee reports be suspended for the purpose of considering Senate bill No. 2.

The motion prevailed.

On further motion of Senator Douglass, the bill was ordered to be not printed.

Senator Douglass then moved to adopt the committee report.

Senator Mills moved that further consideration of the bill be postponed subject to call.

The motion prevailed.

RECESS.

Senator Mills moved that the Senate take a recess until 2 o'clock p. m. today.

The motion prevailed.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Davidson of Galveston.

There being nothing before the Senate at this hour,

Senator Davidson of DeWitt moved that the Senate take a recess for twenty minutes.

The motion prevailed.

At the expiration of the time, the Senate was called to order, and

On motion of Senator Hicks, the Senate took another recess for ten minutes.

AFTER RECESS.

Lieutenant Governor Neal called the Senate to order.

COMMITTEE REPORTS.

The following committee reports were offered:

FINANCE.

Committee Room,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the support of the State government for the two years beginning September 1, 1903, and ending August 31, 1905, and for other purposes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

WILSON, Chairman.

Committee Room,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 3, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing the first day of January, 1904, by issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds; the manner of sale or exchange of the new bonds; and making an appropriation for expenses incurred under the provisions of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

WILSON, Chairman.

Committee Room,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion and the various public institutions of the State of Texas, in the city of Austin, and adjacent thereto; to create a board with authority to purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes, and to erect poles and place wires across and along the streets and alleys and public highways in the city of Austin and public roads adjacent thereto, and to secure from private owners, by purchase, or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place wires across private lands; to provide for the operation of such plant; to make an appropriation therefor, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

WILSON, Chairman.

ENROLLED BILLS.

Committee Room,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled

Bills have carefully examined and compared

Senate bill No. 3, "An Act making an appropriation to defray the contingent expenses of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor,"

And find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, April 10, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 1, "An Act making an appropriation to pay per diem pay of members and per diem pay of officers and employes, of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor,"

And find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

HALE, Chairman.

ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 2:40 o'clock p. m., adjourned until 11 o'clock a. m. next Monday.

SIXTH DAY.

Senate Chamber,
Austin, Texas, Monday, April 13, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faulk.	Patteson.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Willacy.
Harper.	Wilson.

Absent.

Davidson of	Henderson.
Galveston.	Paulus.
Faubion.	Sebastian.
Faust.	Stafford.
Harbison.	

Prayer by the chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Mills, the same was dispensed with.

SIMPLE RESOLUTION.

Senator Hicks offered the following resolution:

Resolved by the Senate, That Albert Sydney Johnston Chapter of the Daughters of the Confederacy be granted the use of the Senate Chamber from 5 o'clock p. m. to 9 o'clock p. m., on Thursday, April 16, 1903, for the purpose of holding a reception after the unveiling of the Confederate Monument in the capitol grounds on that day.

The resolution was adopted.

MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office appeared at the bar of the Senate and, being duly announced, presented the following message from the Governor.

To the Legislature.

I am advised by the Board of Trustees of the Orphans' Home at Corsicana that the school building at that institution is unsafe and condemned by the board. They say, "the condition of the building puts at hazard the lives of the children as well as the teachers, and calls for immediate action." A local architect, Mr. H. B. Lockhead, has examined the building, and he reports that "the building in its present condition is wholly unsafe." It is estimated that an appropriation of \$4,750 will be required to meet the exigency and that it should be immediately available. I transmit herewith a copy of the report of the Board and architect for your information. I present this matter as a subject of legislation and thereof recommend your consideration.

S. W. T. LANHAM,
Governor.

"Corsicana, Texas, April 8, 1903.

Hon. S. W. T. Lanham, Austin, Texas.

DEAR SIR: We beg to call your special attention to the report of the architect, H. B. Lockhead, on the school building at the State Orphan Home. He condemns it as unsafe. We feel sure from our own knowledge of the building